

IN THE DRAWINGS

Please replace drawing sheet 9 of 9 with the attached replacement sheet which deletes FIG. 17 from the drawings.

### REMARKS

This Amendment is made to the final Office Action dated December 28, 2007. Claims 64 - 84 are pending in the present application. By this Amendment, claims 64, 71 and 78 have been amended to more clearly define the presently claimed invention. These amendments were not made to distinguish the presently claimed invention over the cited prior art. The specification and drawings have been amended in response to the Examiner's objections addressed below. Reconsideration of the application is respectfully requested.

The Examiner objected to the drawings because of the inclusion of FIG. 17. Applicants have amended the drawings to delete FIG. 17 from the application. A replacement sheet 9 of 9 which only shows FIG. 16 is being submitted with this Amendment. Applicants have amended the specification to delete the previously submitted paragraphs containing the description of FIG. 17. Applicants respectfully request the Examiner to withdraw the rejects relating to the specification and the drawings.

The Examiner has rejected the pending application under the judicially created doctrine of non-statutory double patenting. Applicants hereby submit a terminal disclaimer directed to U.S. Patent No. 6, 673,025 and co-pending application Serial No. 10/631,275

The Examiner has rejected claims 64-68, 70-74, 76-81, 83 and 84 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,991,602 to Amplatz et al. (the "Amplatz patent"). Applicants strongly disagree with the Examiner's position as previously addressed in Applicants' Amendment dated October 15, 2007. However, in order to expedite allowance of this case, Applicants have amended claims 64, 71 and 78 in order to better define the presently claimed invention. Claim 64 has been amended to recite an intracorporeal device comprising an elongated member having a longitudinal length and means for causing a substantially linear change in bending stiffness over the entire longitudinal length of the elongated member. Applicants submit that the Amplatz patent fails to disclose an elongated member having means for causing a substantially linear

change in stiffness over the entire longitudinal length of the elongated member. Rather, the Amplatz patent only discloses a guidewire having tapered sections around reference numerals 12, 22 and 24 in Figure 2. Again, Applicants submit that the Amplatz patent is completely devoid of any disclosure that the tapered section of its guidewire has a means for causing a substantially linear change in bending stiffness over the entire longitudinal length of the elongated member. In fact, there is complete lack of disclosure in the Amplatz patent which describes any type of bending stiffness that would be associated with the tapered end of its guidewire. In view of the amendment to claim 64, the Examiner cannot reasonably take the position that a relatively short length of the Amplatz device has a substantially linear change in bending stiffness. For this reason alone, the Amplatz patent fails to disclose the presently claimed invention recited in claims 64-68 and 70.

The Examiner has rejected claims 71 and 78 on the basis that the Amplatz patent reads on claims 71 and 78 when the equations found in these claims are solved for  $L=0$ . However, Applicants again submit that when  $L=0$ , there is no length to the elongate core member and therefore that portion of the guidewire does not exist. Therefore, the Examiner's position that the Amplatz patent reads on claims 71 and 78 when  $L=0$  makes no sense since an elongated core member with a length of zero does not exist. However, again in order to expedite allowance of this case, Applicants have amended claims 71 and 78 to indicate that when solving the equations recited in these claims,  $L$  is defined as a length which is greater than zero. Therefore, the Amplatz patent fails to disclose the inventions defined in claims 71-74, 76-81, 83 and 84 when  $L$  is greater than zero. Applicants respectfully request the Examiner to withdraw the Amplatz patent as an anticipatory reference to claims 71-74, 76-81, 83 and 84.

The Examiner has rejected claims 64, 66-72, 75-79 and 82-84 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,497,786 to Urick (the "Urick patent"). Applicants again strongly disagree with the Examiner's position. The failure of the Amplatz patent to disclose the structure of these claims, discussed in great detail above, applies equally to the Urick patent. In view of the amendment to claim 64, addressed

above, it is submitted that the Urick patent, like the Amplatz patent, is completely devoid of any disclosure that the tapered section of its guide wire has a means for causing a substantially linear change in bending stiffness over the entire longitudinal length of the elongated member. Moreover, there is complete lack of disclosure in the Urick patent which describes any type of bending stiffness that would be associated with the tapered end of its guidewire. Accordingly, the Urick patent fails to disclose the presently claimed invention recited in claims 64 and 66-70.

The Examiner's rejection of claims 71, 72, 75-79 and 82-84 on the basis that the Urick patent reads on claims 71 and 78 when the equation is solved for  $L=0$  is again misplaced. In accordance with Applicants' arguments respecting the Amplatz patent, claims 71 and 78 have been amended to recite that  $L$  is a length greater than zero when solving the equations recited in these claims. This structure is also lacking in the Urick patent. Applicants respectfully request the Examiner to withdraw the Urick patent as an anticipatory reference to claims 71, 72, 75-79 and 82-84.

In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Please charge any fees payable in connection with this response to Deposit  
Account No. 06-2425.

Respectfully submitted,  
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